

REMARKS

In accordance with the forgoing, claim 17 has been amended. Claims 49-52 have been added. Claims 1, 3-17, 19-33 and 35-52 are pending and under consideration.

I. Provisional Rejections

Claims 1, 3-17, 19-33 and 35-48 stand provisionally rejected based on obviousness type double patenting as being unpatentable over claims 1-28 of copending U.S. Patent Publication No. 2005/0027327, and over claims 1-30 of copending U.S. Patent Publication No. 2005/0027326. Applicants will address the provisional rejections upon allowance of the claims.

II. Rejections Under 35 USC § 103

Claims 1, 3-17, 19-33 and 35-48 stand rejected under 35 USC § 103(a) as being unpatentable over Lim (U.S. Pat. No. 5,769,671) or in the alternative Lim (U.S. Pat. No. 5,769,671) in further view of Darby, et al. (U.S. Pat. No. 5,275,620). For at least the reasons set forth below, Applicants respectfully assert that the claims of the present invention are patentably distinguishable from Lim and the rejection is respectfully traversed.

Independent claims 1, 17 and 33 include the limitations of a housing in which a connector clip is positioned within one of the members while in a second position, and “wherein the first arm extends from the top portion to a first end and the second arm extends from the top portion to a second end, and wherein the connector clip includes a first side wall along the first end and a second side wall along the second end, the **end of the first arm and the end of the second arm being offset and partially overlapping** so that the first side wall is adjacent to and engaged against the second side wall **when the connector clip is in the first position**, and the first arm and the second arm being partially spread apart so that the ends are non-overlapping and aligned so that **the first end abuts the second end** and the first side wall is not adjacent to and engaged against the

second side wall **when the connector clip is in the second position.**"

(emphasis added) Lim does not teach or suggest these limitations.

As recited by the Examiner, Lim teaches a spring that "is a generally closed shape member defined by opposed free ends 31 and 33 which in the relaxed condition, define a gap referenced in FIG. 5 as 29." (col. 4, lines 28-31) As noted in the Office Action, the Examiner considers that the relaxed condition, a generally closed shape, is the first position. In contrast to the present claims, Lim's Fig. 5 and associated language, disclose that the spring ends do not **overlap** in this position, but are instead **separated** by a gap. As such, Lim does not teach or suggest a first position of a connector clip in which the end of the first arm and the end of the second arm being offset and partially overlapping as recited in independent claims 1, 17 and 33.

With respect to the second position, the Examiner recites Lim as teaching that "[i]n the assembled condition of the connector and before the lead is introduced into the opening 10, the **free ends** of the spring **maintain a spacing** of approximately 0.005 inch." (col. 4, lines 31-33, emphasis added) As noted in the Office Action, the Examiner considers the second position when gap 29 is approximately 0.005 inch. Here again, Lim teaches that there is a gap, or space, between the ends of the spring, therefore the ends do not **abut**. Therefore, Lim does not teach or suggest a second position of a connector clip in which the first end abuts the second end as recited in independent claims 1, 17 and 33.

Independent claims 1, 17 and 33 also include the limitations of the "connector clip(s) being oriented perpendicular to the insertion axis of orientation of the proximal end of a lead such that the arms, the non-overlapping ends of the arms, and the top portion together circumscribe an opening through which the proximal end of a lead passes during insertion." As noted in the Office Action, the Examiner considers that the modifying the touching free end of a clip would be obvious since it was "known in the art that overlapped free ends of a clip, such as a paper clip, provide the predictable results of support and reinforcement." First, the free ends of a clip, such as a paper clip, do not overlap such that the

arms of the clip are “adjacent to and engaged against” each other, as noted above with respect to the first position recited in independent claims 1, 17 and 33. Second, the ends of a clip, such as a paper clip do not “abut” each other prior to insertion, as noted above with respect to the second position recited in independent claims 1, 17 and 33. Instead, the ends of a paper clip are separated and do not generally change position prior to insertion. Third, the insertion of material into a paper clip requires that the material be inserted parallel to the clip. This is unlike the present invention in which the connector clip(s) are oriented perpendicular to the insertion axis and where the arms, the non-overlapping ends of the arms, and the top portion together circumscribe an opening through which the proximal end of a lead passes during insertion. Inserting material oriented perpendicular to a paper clip would change the principle of operation of the paper clip.

In the alternative, the Examiner considers that it would have been obvious to “modify the free ends of the clip as taught by Darby et al. with a overlapping free ends of a connector clip.” Darby discloses that the connector comprises “strips 12 and 14 resiliently coupled together so that respective holes 24 and 36 are slightly misaligned. Compression of strips 12 and 14 relative to each other causes alignment of holes 24 and 36 so that ...[the] electrode tip may be inserted.” (col. 4, lines 49-54) Additionally, Darby discloses that the “electrode tip 48 cannot be inserted farther than the point at which the two strips are joined.” (col. 4, lines 58-59) Therefore, Darby teaches that the clip intersects and terminates the lead insertion. Further, the connector clip disclosed by Darby in Figure 5, as referenced by the Examiner, illustrates the insertion of the lead parallel to the clip, not perpendicular, as in independent claims 1, 17 and 33. Similar to the paper clip, insertion of the lead perpendicular to the clip would render the connector clip of Darby inoperable. As such, Darby fails to teach or suggest the limitations of independent claims 1, 17 and 33.

Dependent claims 3-16 ultimately depend on and further define patentably distinct amended independent claim 1. Dependent claims 19-32 ultimately

depend on and further define patentably distinct amended independent claim 17. Dependent claims 35-48 ultimately depend on and further define patentably distinct amended independent claim 33.

Therefore, the Applicants respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection and requests allowance of claims 1, 3-17, 19-33 and 35-48.

III. Newly Presented Claims

Claims 49-52 have been added. No new subject matter has been included. As such, Applicants believe that claims 49-52 are allowable.

IV. Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone either Michael Solder at (763) 526-0938 or Steven E. Dicke at (612) 573-2002 to attend to these matters. In addition, all correspondence should continue to be directed to the following address:

**MEDTRONIC, INC.
710 MEDTRONIC PARKWAY NE
MINNEAPOLIS, MN 55432-9924**

Respectfully submitted,

LAHTI, Jay,

By his attorneys,
DICKE, BILLIG & CZAJA, PLLC
Telephone: (612) 573-2002
Facsimile: (612) 573-2005

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SED:AM:uw

/Steven E. Dicke/
Steven E. Dicke
Reg. No. 38,431